



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 776**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H776-ABD-16 [v.6]

Page 1 of 5

Amends Title [NO]
H776-CSBDF-26 [v.2]

Date _____, 2021

Senator Daniel

1 moves to amend the bill on page 1, lines 18-19, by rewriting those lines to read:

2
3 "(3) Credential analysis. – A process or service through which a third-party or
4 service performs a remote analysis of the characteristics and security features
5 of the identification pursuant to G.S. 10B-3(22)a.";
6

7
8 and on page 2, lines 3-4, by inserting the following between those lines:
9

10 "e. An attestation by the remote electronic notary that, at the time of the
11 remote electronic notarization, the remote electronic notary was
12 physically located in North Carolina and that the remote electronic
13 notary verified that the remotely located principal was physically
14 located in North Carolina.
15 f. An acknowledgment or jurat certification identifying the North
16 Carolina county where the remotely located principal was physically
17 located at the time of the remote electronic notarization.";
18
19

20 and on page 2, lines 10-11, by inserting the following between those lines:
21

22 "(10) Third-party vendor. – Any person providing communication technology,
23 credential analysis, identity proofing, or custodial services to remote
24 electronic notaries.";
25
26

27 and on page 3, lines 7 and 30, by inserting "remote electronic" before "notarial" on those lines;
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30 and on page 3, line 22, by deleting the phrase "determine if it is satisfactory evidence." and
31 substituting the phrase "verify the remotely located principal's identity under G.S. 10B-134.11.";
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4 and on page 3, lines 26-27, by inserting the following between those lines:
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6 "(7) Be capable of utilizing the IP address of the remotely located principal to
7 corroborate that the remotely located principal is physically located in North
8 Carolina.";
9

10
11 and on page 3, line 42, by inserting the following after "State." on that line:
12

13 "The location of the remotely located principal shall be verified through one of the following
14 methods:

- 15 (1) The remotely located principal's verification, by oath or affirmation to the
16 remote electronic notary, of the North Carolina county in which the remotely
17 located principal is physically located.
18 (2) The communication technology used for the remote electronic notarization
19 reflects that the IP address being used by the remotely located principal is
20 physically located in North Carolina.";
21
22

23 and on page 4, lines 8-9, by inserting the following between those lines:
24

25 "(5) The location of the remotely located principal shall be verified in accordance
26 with G.S. 10B-134.7(b).";
27
28

29 and on page 4, line 40, through page 5, line 4, by rewriting those lines to read:
30

31 "(a) Prior to the remote electronic notarial act, the remote electronic notary shall cause to
32 have each remotely located principal's identity verified through one of the following methods:

- 33 (1) The remote electronic notary's personal knowledge of the remotely located
34 principal creating the electronic signature.
35 (2) All of the following:
36 a. Credential analysis, approved by the Secretary, of a current document
37 issued by a federal, state, or federal or state recognized tribal
38 government agency bearing the photographic image of the individual's
39 face and either the signature or a physical description of the individual.
40 b. Identity proofing approved by the Secretary.
41 c. Comparison, by the remote electronic notary, of the current document
42 issued by a federal, state, or federal or state recognized tribal
43 government agency bearing the photographic image of the individual's

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1 face and either the signature or a physical description of the individual
2 presented by the remotely located principal during credential analysis
3 and the image of the remotely locate principal via the communication
4 technology.";

5
6
7 and on page 5, lines 25-27, by rewriting those lines to read:

8
9 "the document by each remotely located principal and verified the remotely
10 located principal's identity under G.S. 10B-134.11.";

11
12
13 and on page 5, line 33, by deleting "satisfactory evidence, other than through a credible witness,
14 of";

15
16
17 and on page 6, line 47, by inserting "remote electronic" before "notarial" on that line;

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19
20 and on page 7, lines 11, 15, 22, 30, and 38, by inserting "remote electronic" before "notarial" on
21 those lines;

22
23
24 and on page 7, line 41, by inserting "remote" before "electronic" on that line;

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26
27 and on page 8, lines 25 and 45, by inserting "remote electronic" before "notarial" on those lines;

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29
30 and on page 8, lines 48-50, by rewriting those lines to read:

31
32 "Secretary has established standards under this Article for approval of communication
33 technology, credential analysis, identity proofing, or custodial services to remote electronic
34 notaries, the communication technology, credential analysis, identity proofing, or custodial
35 services selected by the notary must conform to the standards.";

36
37
38 and on page 9, lines 2 and 3, by inserting "remote electronic" before "notarial" on those lines;

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41 and on page 9, lines 5-8, by rewriting those line to read:
42

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(2) The custodian detected no changes or errors in any electronic signature or other information in the electronic document since the affixation of the electronic notarial certificate.

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(3) The custodian personally printed, or supervised the printing of, the electronic document onto paper or other tangible medium.

(4) The custodian has not made any changes or modifications to the electronic document since the affixation of the electronic notarial certificate to the paper or tangible duplicate of the electronic document with the affixed electronic notarial certificate.

(5) The electronic document with the electronic notarial certificate is acknowledged or sworn or affirmed before a notary public.

(c) Any document with an attestation in accordance with this section shall be accepted for recording by a register of deeds under G.S. 161-14, provided all other statutory and locally adopted prerequisites for recording have been met.

(d) As used in this section, "custodian" shall mean a person with authorized custody of an electronic document with an affixed electronic notarial certification."";

and on page 12, lines 24-25, by rewriting those lines to read:

"**SECTION 4.** G.S. 20-30(6), as amended by S.L. 2021-34, reads as rewritten:";

and on page 12, lines 46-47, by deleting those lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____